

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

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In Re:

Adam Lewis Mack

Debtor

* * * * *

U.S. Bank National Association, as
Trustee, Successor in Interest to Bank of
America, National Association as Trustee
as successor by merger to LaSalle Bank,
National Association as Trustee for
Washington Mutual Mortgage Pass-
Through Certificates WMALT Series
2005-3

CHAPTER 7 PROCEEDING

CASE NO. 14-20965

Movant

v.

Adam Lewis Mack

and

Jeffery T. Piampiano
Chapter 7 Trustee

Respondent

* * * * *

MOTION FOR RELIEF FROM AUTOMATIC STAY

U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association as Trustee as successor by merger to LaSalle Bank, National Association as Trustee for Washington Mutual Mortgage Pass-Through Certificates WMALT Series 2005-3 (the "Bank") hereby moves for relief from the automatic stay pursuant to 11 USC § 362 and in support thereof states as follows:

1. This Court has jurisdiction over this matter pursuant to 28 USC §1334 (b).

2. Pursuant to the provisions of 28 USC §157 (b)(1) and §157 (b)(2)(G), this matter is a core proceeding in which this Court is entitled to enter appropriate orders and judgments.

3. U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association as Trustee as successor by merger to LaSalle Bank, National Association as Trustee for Washington Mutual Mortgage Pass-Through Certificates WMALT Series 2005-3 is the holder of a promissory note dated February 11, 2005 in the original principal amount of \$238,000.00 given by Adam Mack secured by a mortgage given by Adam Mack recorded in the Cumberland County Registry of Deeds in Book 22332, Page 26 conveying real property located at 86 Vannah Avenue, Portland, Maine 04103, as assigned by assignment recorded September 24, 2008 in Book 26353, Page 302, and confirmatory assignment recorded September 13, 2012 in Book 29927, Page 254. Copies of the note, mortgage, and assignments are attached hereto as Exhibits A, B, and C.

4. The Debtor's Schedules A and D state that the subject property was transferred to JSK Properties, LLC. The Cumberland County Registry of Deeds records, however, indicate that at the time the petition in this matter was filed, title to the subject property was held by the Debtor by virtue of a deed from JSK Properties, LLC to Adam Mack dated June 4, 2011 and recorded May 12, 2014 in Book 31496. Page 19.

5. This Chapter 7 case was filed on December 9, 2014.

6. The amount owed to the Bank under the terms of the Note and Mortgage as of August 6, 2015 is as follows:

Principal Balance	\$237,999.00
Accrued Interest	111,790.56
Late Charges	433.86
Appraisal Fees	428.00
Property Inspection Fees	576.00
Escrow Advance	47,691.49
FC Attorney Fee	2,960.25
FC Court Cost	432.07
FC Litigation Cost	5,600.00
Title Cost	176.00
Other	253.75
Total	<hr/> \$408,340.98

7. In addition to the Mortgage, Debtor's schedules indicate the property is also subject to the following:

<u>Lien holder</u>	<u>Type of lien</u>	<u>Lien amount</u>
Applicator Sales and Service	Mechanics Lien	\$68,809.05
Boulos Property Management	Mechanics Lien	\$75,000.00
Green Tree Servicing	Second Mortgage	\$88,017.18
LaPointe Lumber	Mechanics Lien	\$65,000.00

8. The Bank asserts the market value of the property to be no more than \$173,300.00, as stated in Debtor's schedules.

9. The secured claims as set forth above exceed the security value of the property taking into account the cost of liquidation.

10. The Bank lacks adequate protection of its interest in the property in that the monthly mortgage payment due March 1, 2008 and all subsequent payments have not been paid.

WHEREFORE, the Bank prays that this honorable Court:

A. Enter an order granting relief from the automatic stay imposed by 11 USC Section 362 to proceed to foreclose and obtain possession of the property under state law; and

B. For such other and further relief as this Court deems to be just and proper.

Dated: September 24, 2015

By: /s/ Leonard F. Morley, Jr.
Leonard F. Morley, Jr., Esq.
Attorney for U.S. Bank National
Association, as Trustee,
Successor in Interest to Bank of
America, National Association as
Trustee as successor by merger
to LaSalle Bank, National
Association as Trustee for
Washington Mutual Mortgage
Pass-Through Certificates
WMALT Series 2005-3

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CASE NO. 14-20965

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Respondent

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NOTICE OF PRELIMINARY HEARING

Please take notice that a preliminary hearing upon the attached Motion for Relief from Stay will be held on October 20, 2015 at 9:00 a.m., at the United States Bankruptcy Court, 537 Congress Street, Portland, Maine 04101. You must file an answer to the Motion admitting or denying each allegation contained therein, with the Clerk of the U. S. Bankruptcy Court, 537 Congress Street, Portland, Maine 04101 with a copy to counsel for the Movant and other parties in interest on or before the response date of October 8, 2015. If you fail to respond in accordance with this notice, the relief requested may be granted by default without further notice and hearing.

Dated: September 24, 2015

/s/ Leonard F. Morley, Jr.
Leonard F. Morley, Jr., Esq.
707 Sable Oaks Dr., Suite 250
South Portland, Maine 04106
(207) 775-6223

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

BK No: 14-20965

Chapter: 7

In re: Adam Lewis Mack

Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion for Relief from Automatic Stay, Proposed Order, and Notice of Preliminary Hearing have been forwarded, even date herewith, to all those persons listed below at the indicated addresses:

Notice will be sent electronically to:

J. Scott Logan, Esq.
Jeffery T. Piampiano, Trustee
US Trustee

Notice will be sent via first class mail to:

Adam Lewis Mack
476 Pond Road
Standish, ME 04084

Executed on: September 24, 2015

/s/ Leonard F. Morley, Jr.
Leonard F. Morley, Jr., Esq.